



Order No. 175140.012  
**RECORDS DUE ON OR BEFORE**  
**07/03/2016**



Attn: Custodian of Records  
U. S. Environmental Protection Agency  
61 Forsyth Street SW  
Atlanta, GA, 30303

Please send **RECORDS** and/or **LEGAL** documents to:

**Attn: Records Intake**  
**PO Box 4695**  
**Houston, Tx. 77210**

Keais Order No 175140.012

If you need to send records via UPS or FED EX, please send to:

**1010 Lamar St. Suite 1800, Houston, Tx. 77002**

Patient Name or Subject Matter:	<b>Khari Reed</b>
Date of Birth:	10/27/1972
Social Security #:	XXX-XX-1846

**Scope of Records being Requested:**

**Records Type:** Personnel and Payroll Records

ANY AND ALL PERSONNEL AND PAYROLL RECORDS, including but not limited to employment applications; records pertaining to performance evaluations and/or employee reviews; records concerning job assignments and/or job descriptions; insurance records; worker's compensation and/or disability records, including but not limited to documentation regarding notification to employer, benefit review conferences, indemnity benefits, medical benefits, releases to return to work, doctor's reports and medical bills; medical records; accident reports, including witness statements; incident reports; claims records; wage information and/or employee earnings ledgers; tax records, W-2 forms, and 1099 forms; records regarding or outlining employee benefits; interoffice correspondence and/or notes; absenteeism records and/or time cards

Your compliance will be complete once the records and the original Affidavit or Certification is completed, signed, notarized and mailed to the above address. The number of pages should not include the Affidavit or the invoice for the records. A copy of the Affidavit or Certification is not valid.

IF THE FEE FOR THE RECORDS EXCEEDS \$101.00, please contact our office prior to copying the records so that a fee approval may be obtained from the attorney. We will not be able to pay any invoices that do not accompany the records and have not been approved.

If you have any questions, please contact Lori Hegarty at 713-224-6865 (phone); 713-936-2783 (fax) or e-mail at [customerservice2@keais.com](mailto:customerservice2@keais.com). Please reference the above order number.  
**PLEASE DO NOT CONTACT THE ORDERING ATTORNEY'S OFFICE DIRECTLY.**



06/06/2016

U. S. Environmental Protection Agency  
61 Forsyth Street SW  
Atlanta, GA 30303

Re: Khari Reed  
Date of Birth 10/27/1972, Social Security Number XXX-XX-1846

Dear Records Custodian:

Enclosed is a Request for Production of Documents concerning your patient. This Request is sent pursuant to Georgia law, O.C.G.A. § 9-11-34 (c). This Georgia law allows parties to a lawsuit to request that persons, firms and corporations who have materials relevant to a lawsuit produce them for inspection and copying. I do not wish to inconvenience you, but on the contrary, hope that this procedure will save both your time and the time of the attorneys involved in this case. If this is a procedure that you have not been confronted with before, and if you have any questions, please feel free to call me.

In accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations, 45 CFR § 164.512 (e)(1)(iii), the above referenced patient has been provided written notice of the issuance of this request. This written notice, a copy of which is attached hereto: 1) contained sufficient information about the above-referenced litigation to allow the patient to bring an objection; and 2) provided a time period during which an objection should be raised. By virtue of the foregoing, this Defendant is making reasonable assurances that the Plaintiff has, in accordance with HIPAA, been afforded an opportunity to object to the issuance of this request.

Pursuant to Georgia Code, O.C.G.A. § 9-11-34 (c), Georgia law provides that a request for production of documents may be served upon the person who possesses the documents, with copies of the request going to all parties of record in the lawsuit. If the Plaintiff has not objected to the release of his/her medical information as allowed under HIPAA, his/her health care providers may release information pursuant to State Law.

This request itself specifies that you are to wait twenty three (23) days from your receipt of this letter before producing the documents. The waiting period affords you or any party to the suit the opportunity to file with the Court a formal legal objection to the requested production. The law requires that such an objection be made within twenty (20) days of the request. Because the law provides an additional three (3) days for service of this request by mail, we ask that you wait a total of twenty three (23) days before producing the requested

documents. O.C.G.A. § 9-11-6 (e).

Please note that this Request calls for production of: Please Remit: any and all papers, documents, office notes and reports concerning the care, treatment, prognosis and diagnosis of said patient including MRIs, CTs and X Rays taken, along with evidence of all expenses incurred; all billing statements, account ledgers and invoices indicating any fees charged for services rendered to said patient; any and all records, letters or any other indicia from any and all doctors you have in your file concerning said patient.

Please be advised that HIPAA imposed no requirement for the patient's consent, authorization or release prior to compliance with this request, and any failure to provide the requested records on that basis is groundless. We are not required to provide a signed authorization or release in order to obtain these records under either Federal or State law. First a signed release is not required under Federal Law. The Health Insurance Portability and Accountability Act (HIPAA) does not prohibit the production of the requested records. HIPAA specifically provides for the production of medical records in judicial proceedings. A covered health care provider may disclose health information in the course of any judicial proceedings in response to a discovery request if the individual whose records are sought has been provided with notice of the request, which identifies the litigation, and the time allowed for objection has lapsed or the court has resolved the objection. 45 CFR §164.512(e)(1)(ii)-(iii). Second, under Georgia law, no release is required. The patient has filed a civil lawsuit placing his/her medical condition at issue. Under O.C.G.A. § 9-11-34(c)(2), we have the right to obtain the patient's medical records directly from his medical care providers, including your office. Because the patient placed his/her care and injuries at issue in this case, a written authorization is not required. See O.C.G.A. §24-9-40(a).

We will see that you are compensated for the expense of production and copying to the extent provided by law. O.C.G.A. § 31-33-3 provides that such expenses are limited to \$25.88 for administrative costs, \$9.70 for certification, \$0.97 per page for the first 20 pages, \$0.83 per page 21-100, and \$0.66 per page for each page copied in excess of 100 pages. Should your total charges exceed \$200.00, please contact us prior to production to obtain authorization.

If you make no legal objections to this request within twenty (20) days and receive no objection from any party to the suit within twenty-three (23) days, then the law requires you to produce documents to us promptly as directed. The law also requires that you sign the enclosed Affidavit and return it with your response to Keais Records Service, 1010 Lamar Suite 1800, Houston, Texas 77002. **THIS IS MANDATORY. FAILURE TO COMPLETE THE AFFIDAVIT IS A BREACH OF YOUR OBLIGATION.**

Thank you in advance for your cooperation in this matter.

Sincerely,

Lori Hegarty

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

KHARI BENTON REED,  
Plaintiff(s),

vs.

JAMES MAXWELL,  
Defendant(s).

:  
:  
: CIVIL ACTION  
: FILE NO.: 2015CV260415  
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RULE 5.2 CERTIFICATE

I hereby certify that I have this day served counsel for the opposing party with a copy of the following discovery pleading(s): *Request for Production of Documents to Non-Parties: Piedmont Henry Hospital, Advanced Internal Medicine, City of Atlanta Police Department, U. S. Environmental Protection Agency, City of Morrow Police Department, AT&T Subpoena Compliance* by depositing a copy of same in the United States mail in an envelope properly addressed to the following, with adequate postage thereon to ensure proper delivery:

Shannon Briley-Holmes, Esq.  
The Law Firm of Shannon Briley-Holmes  
1755 North Brown Road, Suite 200  
Lawrenceville, GA 30043

This 6th day of June, 2016.

*Charles P. Barry* by *Pa*

Charles P. Barry, III, Esq.  
State Bar No. 286564  
Attorney for Defendant

Law Offices of James C. McLaughlin -- 15955  
360 Interstate North Parkway Southeast, Suite 375  
Atlanta, GA 30339

175140

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

KHARI BENTON REED,  
Plaintiff(s),

vs.

JAMES MAXWELL,  
Defendant(s).

:  
:  
: CIVIL ACTION  
: FILE NO.: 2015CV260415  
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing  
DEFENDANT'S NON PARTY REQUEST FOR PRODUCTION upon opposing counsel by  
U.S.P.S. as follows:

Shannon Briley-Holmes, Esq.  
The Law Firm of Shannon Briley-Holmes  
1755 North Brown Road, Suite 200  
Lawrenceville, GA 30043

This 6th day of June, 2016.

*Charles P. Barry III*

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Charles P. Barry, III, Esq.  
State Bar No. 286564  
Attorney for Defendant

Law Offices of James C. McLaughlin -- 15955  
360 Interstate North Parkway Southeast, Suite 375  
Atlanta, GA 30339

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

KHARI BENTON REED,	:	
Plaintiff(s),	:	
	:	CIVIL ACTION
vs.	:	FILE NO.: 2015CV260415
	:	
JAMES MAXWELL,	:	
Defendant(s).	:	

**DEFENDANT’S REQUEST FOR PRODUCTION OF DOCUMENTS TO A NON-PARTY**

To: U. S. Environmental Protection Agency  
61 Forsyth Street SW  
Atlanta, GA 30303

**Attn: Records Custodian**

Re: Plaintiff: Khari Reed  
DOB: 10/27/1972  
SSN: XXX-XX-1846

Pursuant to O.C.G.A. § 9-11-34(c) as well as for use pursuant to O.C.G.A. § 24-8-803(6), O.C.G.A. § 24-9-902(11)(12) and O.C.G.A. § 24-8-826, you are hereby requested to produce the following documents for inspection and copying at the offices of Keais Records Service, 1010 Lamar Suite 1800, Houston, Texas 77002 within thirty (30) days after service of this Request.

In lieu of personal production, photocopies of the documents may be mailed to the above-referenced address on or before thirty (30) days from receipt.

As used herein, the term “document” shall mean the original of every writing or record of every type and description that is in your actual and/or constructive possession, custody or control. The material shall include without limitation, correspondence, memorandum, stenographic and hand written notes, studies, publications, books, pamphlets, voice recording, reports, minutes, telegrams, telexes, memoranda of agreement, diaries, calendars, invoices, bills, summaries, checks, wage histories, employment contracts, personnel file and medical records. The request includes every copy of such document whether or not the original is in your possession, custody or control. Any document bearing on any side thereof any marks, such as (but not limited to) initials, stamped indicia, comments or notations, of any character, and not a part of the original text or photographic reproduction thereof, is to be considered and produced as a separate document.

Please do not produce the records prior to twenty (20) days from the date of mailing of the request in order to afford any party the opportunity to object to this request if desired. If no objection is filed within that period of time, the above-referenced statute directs you to promptly comply with this request.

The documents to be produced are as follows:

**ANY AND ALL PERSONNEL AND PAYROLL RECORDS, including but not limited to employment applications; records pertaining to performance evaluations and/or employee reviews; records concerning job assignments and/or job descriptions; insurance records; worker's compensation and/or disability records, including but not limited to documentation regarding notification to employer, benefit review conferences, indemnity benefits, medical benefits, releases to return to work, doctor's reports and medical bills; medical records; accident reports, including witness statements; incident reports; claims records; wage information and/or employee earnings ledgers; tax records, W-2 forms, and 1099 forms; records regarding or outlining employee benefits; interoffice correspondence and/or notes; absenteeism records and/or time cards**

This 6th day of June, 2016.

Respectfully submitted:

A handwritten signature in cursive script that reads "Charles P. Barry" followed by a small "III" and a flourish.

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Charles P. Barry, III, Esq.  
State Bar No. 286564  
Attorney for Defendant

**Law Offices of James C. McLaughlin -- 15955**

360 Interstate North Parkway Southeast, Suite 375

Atlanta, GA 30339

Telephone: 770-612-2710

Facsimile: 770-612-5660

175140.012